

**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
SPECIAL MEETING  
TUESDAY, SEPTEMBER 13, 2005**



**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

**CALL TO ORDER**

Mayor Manross called to order a Special Meeting of the Scottsdale City Council on Tuesday, September 13, 2005 in the Kiva, City Hall, at 3:03 P.M.

**ROLL CALL**

Present: Mayor Manross  
Vice Mayor Betty Drake  
Council Members Wayne Ecton, W.J. "Jim" Lane, Robert Littlefield,  
Ron McCullagh, and Kevin Osterman

Also Present: Acting City Attorney, Deborah Robberson  
City Clerk Carolyn Jagger

1. REQUEST FOR EXECUTIVE SESSION TO:
  - A. Provide update on City Attorney recruitment process. Contact Neal Shearer, Assistant City Manager, 480-312-2604, [nshearer@scottsdaleaz.gov](mailto:nshearer@scottsdaleaz.gov).
  - B. Discuss or consult with the City's attorneys for legal advice concerning the hiring of a City Attorney. Neal Shearer, Assistant City Manager, 480-312-2341, [nshearer@scottsdaleaz.gov](mailto:nshearer@scottsdaleaz.gov).
  - C. Discuss and consult with the attorneys of the public body for legal advice regarding the regulation of sexually oriented businesses and revision of Scottsdale's ordinance. Contact: Deborah Robberson, Acting City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov).
2. MOTION TO RECESS INTO EXECUTIVE SESSION TO:
  - A. Discuss or consider employment, assignment, appointment and salary of City Attorney. The City Council will receive information on the status of the recruitment process from Ruth Ann Eldridge or other representative of Waters-

**NOTE** IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

- Oldani Executive Recruiters; Teri Traaen, Human Resources General Manager; and Neal Shearer, Assistant City Manager. Provide direction to staff and consultants concerning recruiting, screening or interviewing candidates for the position of City Attorney. A.R.S. 38-431.03(A)(1), A.R.S. 38-431.03(A)(2).
- B. Discuss or consult with the City's attorneys for legal advice concerning the hiring of a City Attorney. A.R.S. 38-431.03(A)(3).
- C. Discussion and consultation with the attorneys of the public body for legal advice regarding the regulation of sexually oriented businesses, including local and state laws and case law precedent, and regarding revision of Scottsdale's sexually oriented business ordinance. A.R.S. 38-431.03(A)(3).

**Council and Staff discussion:**

- Staff explained that the purpose for the executive session was to provide legal advice and information on the allowed parameters for regulating sexually oriented businesses, not to discuss enforcement to any specific business in the City, nor to have a strategy or policy discussion.
- Some Councilmembers opposed convening an executive session to receive legal advice on sexually oriented businesses, pointing out that no litigation was pending and indicating that there would be nothing unique in the discussion to warrant it.
- Some Councilmembers supported recessing into executive session, stating it was the responsible way to discuss strengths, weaknesses and possible modification of the current ordinance.
- It was acknowledged that this was the beginning of a lengthy and public conversation about issues related to sexually oriented businesses.

VICE MAYOR DRAKE MOVED TO RECESS INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING OR CONSIDERING EMPLOYMENT, ASSIGNMENT, APPOINTMENT AND SALARY OF THE CITY ATTORNEY, OBTAINING LEGAL ADVICE CONCERNING THE HIRING OF A CITY ATTORNEY AND DISCUSSION AND CONSULTATION WITH ATTORNEYS FOR LEGAL ADVICE REGARDING REGULATION OF SEXUALLY ORIENTED BUSINESSES. COUNCILMAN OSTERMAN SECONDED THE MOTION.

VICE MAYOR DRAKE AMENDED THE MOTION TO RECESS INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING OR CONSIDERING EMPLOYMENT, ASSIGNMENT, APPOINTMENT AND SALARY OF THE CITY ATTORNEY AND OBTAINING LEGAL ADVICE CONCERNING THE HIRING OF A CITY ATTORNEY. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

VICE MAYOR DRAKE MOVED TO RECESS INTO EXECUTIVE SESSION FOR DISCUSSION AND CONSULTATION WITH ATTORNEYS FOR LEGAL ADVICE REGARDING REGULATION OF SEXUALLY ORIENTED BUSINESSES, INCLUDING LOCAL AND STATE LAWS AND CASE LAW PRECEDENT AND REGARDING REVISION OF SCOTTSDALE'S SEXUALLY ORIENTED BUSINESS ORDINANCE. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 4-3, WITH COUNCILMEMBERS LANE, LITTLEFIELD, AND MCCULLAGH DISSENTING.

**ADJOURN TO EXECUTIVE SESSION**

With no further business to discuss, the Council adjourned to Executive Session at 3:30 P.M.

## CALL TO ORDER

Mayor Manross reconvened the Special Meeting of the Scottsdale City Council on Tuesday, September 13, 2005 in the Kiva, City Hall, at 5:05 P.M.

## ROLL CALL

Present: Mayor Manross  
Vice Mayor Betty Drake  
Council Members Wayne Ecton, W.J. "Jim" Lane, Robert Littlefield, Ron McCullagh, and Kevin Osterman

Also Present: Jan Dolan, City Manager  
Acting City Attorney, Deborah Robberson  
City Clerk Carolyn Jagger

### 3. **Acquisition of Lands for Future Offsite Special Event Parking and Other Purposes in the Vicinity of the Central Arizona Project/Loop 101**

**Request:** Adopt Resolution No. 6731 authorizing the City Manager or designee to submit bids and pay required deposits and other amounts for land being sold at public auction by the Arizona State Land Department and declaring an emergency.

**Related Policies, References:** Scottsdale City Charter – Section 3 (A) – City rights to acquire property

**Staff Contact:** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov).

City Manager Jan Dolan noted that approximately 80-acres, located north of Bell Road at 94th Street, is scheduled for auction on September 14, 2005. The minimum bid on this parcel is \$27.6M and requires a \$3.3M deposit. Four other parcels adjacent to WestWorld, at approximately 84 acres, located south of Bell Road and east of 94th Street, will be auctioned together in late 2005. These parcels are appraised at \$36.0M, and will require a deposit of approximately \$4.6M.

Ms. Dolan explained this action declares an emergency so that the funds will be available immediately, complying with state law regarding State Land Department bidding and auction requirements. This action allows staff to pursue the purchase of these properties in an effort to expand and improve parking, and other associated uses at WestWorld and TPC of Scottsdale.

### **MOTION AND VOTE – ITEM 3**

VICE MAYOR DRAKE MOVED TO ADOPT RESOLUTION NO. 6731, DECLARING AN EMERGENCY. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

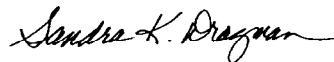
**CITY MANAGER'S REPORT** - None

**MAYOR AND COUNCIL ITEMS - None**

**ADJOURNMENT**

With no further business to discuss, the Special Meeting adjourned at 5:09 P.M.

**SUBMITTED BY:**



**Sandy Dragman**  
Recording Secretary

**REVIEWED BY:**



**Carolyn Jagger**  
City Clerk

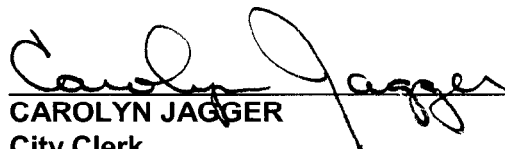
Officially approved by the City Council on October 4, 2005

### **CERTIFICATE**

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Special Meeting of the City Council of Scottsdale, Arizona held on the 13<sup>th</sup> day of September 2005.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 4<sup>th</sup> day of October 2005.

  
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**CAROLYN JAGGER**  
City Clerk